



States' Biofuels Statutes

STATE OF NEW HAMPSHIRE

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).

Current through the 2013 Legislative Session of the New Hampshire General Assembly.

362-F:4 Electric Renewable Energy Classes.

I. Class I (New) shall include the production of electricity or useful thermal energy from any of the following, provided the source began operation after January 1, 2006, except as noted below:

- (a) Wind energy.
- (b) Geothermal energy, if the geothermal energy output is in the form of useful thermal energy only if the unit began operation after January 1, 2013.
- (c) Hydrogen derived from biomass fuels or methane gas.
- (d) Ocean thermal, wave, current, or tidal energy.
- (e) Methane gas.
- (f) Eligible biomass technologies.
- (g) Solar thermal energy; if the solar thermal energy output is in the form of useful thermal energy only if the unit began operation after January 1, 2013.
- (h) Class II sources to the extent that they are not otherwise used to satisfy the minimum portfolio standards of other classes.
- (i) The incremental new production of electricity in any year from an eligible biomass or methane source or any hydroelectric generating facility licensed or exempted by Federal Energy Regulatory Commission (FERC), regardless of gross nameplate capacity, over its historical generation baseline, provided the commission certifies demonstrable completion of capital investments attributable to the efficiency improvements, additions of capacity, or increased renewable energy output that are sufficient to, were intended to, and can be demonstrated to increase annual renewable electricity

output. The determination of incremental production shall not be based on any operational changes at such facility but rather on capital investments in efficiency improvements or additions of capacity.

(j) The production of electricity from a class III or IV source that has begun operation as a new facility by demonstrating that 80 percent of its resulting tax basis of the source's plant and equipment, but not its property and intangible assets, is derived from capital investment directly related to restoring generation or increasing capacity including department permitting requirements for new plants. Such production shall not qualify for class III or IV certificates. Commencing July 1, 2013, a class III source eligible as a class I source under this subparagraph or subparagraph (i) may submit a notice to the commission electing to be a class III source instead of a class I source. Once such notice is given, the production from such a source shall qualify for class III certificates, provided the source meets the other requirements of a class III eligible biomass technology.

(k) The production of electricity from any fossil-fueled generating facility that originally commenced operation prior to January 1, 2006, if after January 1, 2012 such facility co-fires with class I eligible biomass fuels to displace the combustion of an amount of fossil fuels. The portion of the total electrical energy output that qualifies as class I from a facility in a given time period shall be the fraction of electrical production derived from the combustion of biomass fuels based on the heat input at the facility in that time period as determined by the commission in consultation with the department. To qualify under this paragraph, the electricity generation facility that co-fires with biomass fuels shall:

(1) Either have a quarterly average nitrogen oxide (NOx) emission rate, as measured and verified under RSA 362-F:12, of less than or equal to 0.075 pounds/million British thermal units (lbs/Mmbtu) or be a participant in a plan approved by the department for reductions in NOx from other emission sources. The quantity of reductions required shall be the fraction of electrical production derived from the combustion of biomass fuels, as determined under this paragraph, multiplied by the difference between the generation unit's NOx emissions rate and the 0.075 lbs/Mmbtu rate. The plan shall contain reductions, in the aggregate or individually, in NOx emissions from other emission sources under the jurisdiction of the department and demonstrate that the reductions will be quantifiable. The department shall expeditiously review the plan and, if approved, provide such information as it deems relevant to the commission. The application submitted to the commission under RSA 362-F:11 shall inform the commission of the plan and the commission shall certify the source in accordance with the plan approved by the department; and

(2) Either have an average particulate emission rate, as measured and verified under RSA 362-F:12, of less than or equal to 0.02 lbs/Mmbtu or be a participant in a plan approved by the department for reductions in particulate matter emissions from emission sources owned by or affiliated with the co-firing entity. The quantity of reductions required shall be the fraction of electrical production derived from the combustion of biomass fuels, as determined under this paragraph, multiplied by the difference between the generation unit's particulate matter emissions rate and the 0.02 lbs/Mmbtu rate. The plan shall contain reductions, in the aggregate or individually, in particulate matter emissions from other emission sources under the jurisdiction of the department and demonstrate that the reductions will be quantifiable. The department shall expeditiously review the plan and, if approved, provide such information as it deems relevant to the commission. The application submitted to the commission under RSA 362-F:11 shall inform the commission of the plan and the

commission shall certify the source in accordance with the plan approved by the department.

(l) Biomass renewable energy technologies producing useful thermal energy that began operation after January 1, 2013 provided that:

(1) If the unit is a biomass unit rated between 3 and 30 Mmbtu/hr design gross heat input, it shall have an average particulate emission rate of less than or equal to 0.10 lbs/Mmbtu as measured and verified by conducting and reporting the results of a one-time initial stack test in accordance with methods approved by the department;

(2) If the unit is a biomass unit rated equal to or greater than 30 Mmbtu/hr design gross heat input, it shall have an average particulate emission rate of less than or equal to 0.02 lbs/Mmbtu as measured and verified under RSA 362-F:12;

(3) If the unit is a biomass unit rated less than 100 Mmbtu/hr design gross heat input, best management practices as determined by the department shall be implemented; and

(4) If the unit is a biomass unit rated equal to or greater than 100 Mmbtu/hr design gross heat input, it shall have a quarterly average NOx emission rate of less than or equal to 0.075 Mmbtu/hr as measured and verified under RSA 362-F:12; and

(5) If the unit is an upgrade or replacement to an existing source of thermal energy that used biomass as its primary fuel source in its normal operation prior to January 1, 2013, then the unit shall be a combined heat and power unit that provides district heating, and at least 80 percent of the resulting tax basis of the unit's plant and equipment, but not its property and intangible assets, shall be derived from capital investments directly related to the upgrade or replacement and made on or after January 1, 2013.

II. Class II (New Solar) shall include the production of electricity from solar technologies, provided the source began operation after January 1, 2006.

III. Class III (Existing Biomass/Methane) shall include the production of electricity from any of the following, provided the source began operation prior to January 1, 2006:

(a) Eligible biomass technologies having a gross nameplate capacity of 25 MWs or less.

(b) Methane gas.

IV. (a) Class IV (Existing Small Hydroelectric) shall include the production of electricity from hydroelectric energy, provided the facility:

(1) Began operation prior to January 1, 2006;

(2) When required, has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act for hydroelectric projects; and

(3) Either:

(A) Has a total nameplate capacity of 5 MWs or less as measured by the sum of the nameplate capacities of all the generators at the facility and has actually installed both upstream and downstream diadromous fish passages and such installations have been approved by the Federal Energy Regulatory Commission, or;

(B) Has a total nameplate capacity of one MW or less as measured by the sum of the nameplate capacities of all generators at the facility, is in compliance with applicable Federal Energy Regulatory Commission fish passage restoration requirements, and is interconnected with an electric distribution system located in New Hampshire.

(b)(1) Notwithstanding subparagraph (a), the commission shall re-certify as class IV renewable energy sources the facilities named in commission order numbers 24,940 and 24,952. These facilities are:

(A) The Canaan, Gorham, Hooksett, and Jackman hydroelectric facilities owned by Public Service Company of New Hampshire, which had been previously certified by the commission on September 23, 2008; and

(B) The North Gorham and Bar Mills projects owned by FPL Energy Maine Hydro, LLC which had been previously certified by the commission on October 30, 2008.

(2) These facilities shall not qualify or be certified as class IV renewable energy sources after March 23, 2009, unless they meet the requirements of subparagraph (a). Such facilities shall be eligible for class IV renewable energy certificates for all electricity generated between the effective date of each facility's original certification by the commission through March 23, 2009. Such certificates shall have the same validity as any other class IV certificate issued under RSA 362-F, and may be sold, exchanged, banked, and utilized accordingly.

V. For good cause, and after notice and hearing, the commission may accelerate or delay by up to one year, any given year's incremental increase in class I or II renewable portfolio standards requirement under RSA 362-F:3.

VI. After notice and hearing, the commission may modify the class III and IV renewable portfolio standards requirements under RSA 362-F:3 for calendar years beginning January 1, 2012 such that the requirements are equal to an amount between 85 percent and 95 percent of the reasonably expected potential annual output of available eligible sources after taking into account demand from similar programs in other states.